

UNITED STATES DISTRICT COURT
SOUTHER DISTRICT OF NEW YORK

ROBERT POINDEXTER

Plaintiff

Against

EMI RECORD GROUP INC

No. Civ. 559 (LTS)

NOTICE OF MOTION
TO FILE SUR REPLY

MEMO ENDORSED

PLEASE TAKE NOTICE that, upon the annexed Affirmation of Robert Poindexter [I, me, my], and all of the prior pleadings and proceedings in this action, I will move the Court, before the Honorable Judge Laura Taylor Swain, United States District Judge, Southern District Judge, Southern District of New York, at the United States Courthouse, 500 Pearl Street, Courtroom 10Ak, New York, New York 10007, for an order Pursuant to Federal R. Civ. P. 12(b)(6) Rule, 6.1(b) granting me the right to file a Sur Reply to Defendant's Reply to my opposition to the Motion to Dismiss.

Pursuant to paragraph 2.B of the Individual Practices of Judge Laura Taylor Swain, I have used my best effort to resolve informally the matters raised in the Amended Complaint and Motion papers, including an offer to resolve the matter out of court for a token amount of royalties. Defendant has outright refused to even consider my offer(s) of compromise.

I declare under penalty of perjury that the forgoing is true and correct.

Dated: New York, New York
December 15, 2011

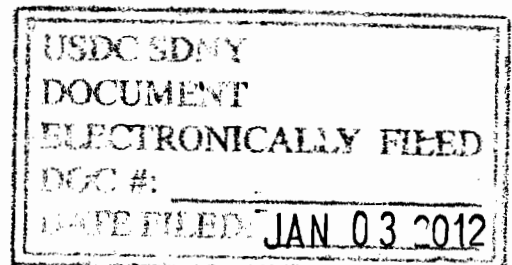
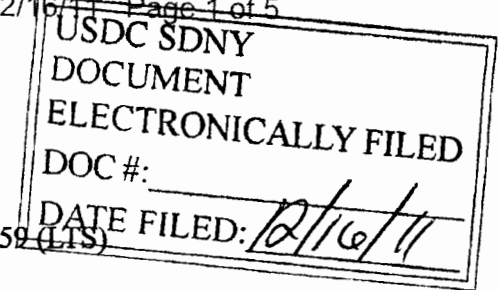
By: Robert Poindexter
ROBERT POINDEXTER/PRO SE
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Jamaica N.Y. 11434
(718) 322-7813

*The request for permission to
file a surreply is denied. This
endorsed order resolves docket entry no. 34.*

SO ORDERED.

NEW YORK, NY

Laura Taylor Swain
LAURA TAYLOR SWAIN
JAN 3, 2012 UNITED STATES DISTRICT JUDGE



Copies mailed/delivered to Mr. Poindexter
Chambers of Judge Swain 1-3-2012